

JANE DOE,) Case No.: 2:20-cv-05142
by and through her next friend Julie Roe,)
)
Plaintiff,)
)
NORTH PENN SCHOOL DISTRICT,)
)
Defendant.)
_____)

Defendant, North Penn School District, by and through its counsel, Hendrzak & Lloyd
answers the Complaint of Plaintiffs, Jane Doe, by and through her next friend, Julie Roe as
follows:

1. It is admitted that Plaintiffs purport to bring this civil rights case. However, all other allegations in this Paragraph of Plaintiffs' Complaint constitute conclusions of law to which no response is necessary under the Federal Rules of Civil Procedure. If an answer is deemed necessary same is denied and strict proof thereof is demanded at the time of trial.

3. Denied as stated and strict proof thereof is demanded at the time of trial.

5. Denied. Paragraph 5 of Plaintiffs' Complaint constitutes conclusions of law and fact to which no response is necessary under the Federal Rules of Civil Procedure. If an answer is deemed necessary same is denied and strict proof thereof is demanded at the time of trial.

6. Denied. Paragraph 6 of Plaintiffs' Complaint constitutes conclusions of law and fact to which no response is necessary under the Federal Rules of Civil Procedure. If an answer is deemed necessary same is denied and strict proof thereof is demanded at the time of trial.

JURISDICTION

7. Answering Defendant admits that Plaintiffs' purports to bring this action under Title IX and alleged violations of 28 U.S.C. § 1983 and the U.S. Constitution and that this Court has jurisdiction over Plaintiff's federal claims pursuant to 28 U.S.C. §1331. Answering Defendant denies the remaining allegations of Paragraph 7.

8. Answering Defendant admits that Plaintiffs' purports to bring this action under alleged violations of 28 U.S.C. § 1983 and that this Court has jurisdiction over the claim pursuant to 42 U.S.C. §1343(a)(3) & (4).

9. Answering Defendant admits that venue is proper under 28 U.S. C. §1391(b) because the alleged events giving rise to the claims alleged herein occurred within the Eastern District of Pennsylvania.

PARTIES

10. After reasonable investigation, Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Therefore, same is denied and strict proof thereof is demanded at the time of trial.

11. After reasonable investigation, Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Therefore, same is denied and strict proof thereof is demanded at the time of trial.

12. Admitted.

FACTS

13. Admitted.

14. After reasonable investigation, Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Therefore, same is denied and strict proof thereof is demanded at the time of trial.

15. Admitted.

16. After reasonable investigation, Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Therefore, same is denied and strict proof thereof is demanded at the time of trial.

17. After reasonable investigation, Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Therefore, same is denied and strict proof thereof is demanded at the time of trial.

18. Denied. It is specifically denied that Ruth Divver witnessed anything involving the Plaintiff. As to what Holly Garrett witnessed denied as stated and strict proof thereof is demanded at the time of trial.

19. Answering Defendant responds to Paragraph 19 in the same manner in which it has answered Paragraph 18.

20. Denied. Paragraph 20 of Plaintiffs' Complaint constitutes conclusions of law and fact to which no response is necessary under the Federal Rules of Civil Procedure. If an answer is deemed necessary same is denied and strict proof thereof is demanded at the time of trial.

21. Denied. Paragraph 21 of Plaintiffs' Complaint constitutes conclusions of law and fact to which no response is necessary under the Federal Rules of Civil Procedure. If an answer is deemed necessary same is denied and strict proof thereof is demanded at the time of trial.

22. Denied. Paragraph 22 of Plaintiffs' Complaint constitutes conclusions of law and fact to which no response is necessary under the Federal Rules of Civil Procedure. If an answer is deemed necessary same is denied and strict proof thereof is demanded at the time of trial.

23. Denied. Paragraph 23 of Plaintiffs' Complaint constitutes conclusions of law and fact to which no response is necessary under the Federal Rules of Civil Procedure. If an answer is deemed necessary same is denied and strict proof thereof is demanded at the time of trial.

24. Denied. Paragraph 24 of Plaintiffs' Complaint constitutes conclusions of law and fact to which no response is necessary under the Federal Rules of Civil Procedure. If an answer is deemed necessary same is denied and strict proof thereof is demanded at the time of trial.

25. Denied. Paragraph 25 of Plaintiffs' Complaint constitutes conclusions of law and fact to which no response is necessary under the Federal Rules of Civil Procedure. If an answer is deemed necessary same is denied and strict proof thereof is demanded at the time of trial.

26. Denied. Paragraph 26 of Plaintiffs' Complaint constitutes conclusions of law and fact to which no response is necessary under the Federal Rules of Civil Procedure. If an answer is deemed necessary same is denied and strict proof thereof is demanded at the time of trial.

27. Denied. Paragraph 27 of Plaintiffs' Complaint constitutes conclusions of law and fact to which no response is necessary under the Federal Rules of Civil Procedure. If an answer is deemed necessary same is denied and strict proof thereof is demanded at the time of trial.

28. Denied. Paragraph 28 of Plaintiffs' Complaint constitutes conclusions of law and fact to which no response is necessary under the Federal Rules of Civil Procedure. If an answer is deemed necessary same is denied and strict proof thereof is demanded at the time of trial.

29. Denied. Paragraph 29 of Plaintiffs' Complaint constitutes conclusions of law and fact to which no response is necessary under the Federal Rules of Civil Procedure. If an answer is deemed necessary same is denied and strict proof thereof is demanded at the time of trial.

30. Denied. Paragraph 30 of Plaintiffs' Complaint constitutes conclusions of law and fact to which no response is necessary under the Federal Rules of Civil Procedure. If an answer is deemed necessary same is denied and strict proof thereof is demanded at the time of trial.

31. Denied. Paragraph 31 of Plaintiffs' Complaint constitutes conclusions of law and fact to which no response is necessary under the Federal Rules of Civil Procedure. If an answer is deemed necessary same is denied and strict proof thereof is demanded at the time of trial.

32. Admitted.

33. After reasonable investigation, Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Therefore, same is denied and strict proof thereof is demanded at the time of trial.

34. After reasonable investigation, Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Therefore, same is denied and strict proof thereof is demanded at the time of trial.

35. Denied as stated and strict proof thereof is demanded.

36. After reasonable investigation, Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Therefore, same is denied and strict proof thereof is demanded at the time of trial.

37. Admitted.

38. Admitted.

39. Denied as stated and strict proof thereof is demanded at the time of trial.

40. Denied as stated and strict proof thereof is demanded at the time of trial.

41. After reasonable investigation, Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Therefore, same is denied and strict proof thereof is demanded at the time of trial.

42. Denied as stated and strict proof thereof is demanded at the time of trial.

43. Denied and strict proof thereof is demanded at the time of trial.

44. After reasonable investigation, Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Therefore, same is denied and strict proof thereof is demanded at the time of trial.

45. After reasonable investigation, Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Therefore, same is denied and strict proof thereof is demanded at the time of trial.

46. After reasonable investigation, Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Therefore, same is denied and strict proof thereof is demanded at the time of trial.

47. After reasonable investigation, Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Therefore, same is denied and strict proof thereof is demanded at the time of trial.

48. After reasonable investigation, Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Therefore, same is denied and strict proof thereof is demanded at the time of trial.

49. Admitted.

50. Admitted.

51. Denied as stated and strict proof thereof is demanded at the time of trial.

52. Denied as stated and strict proof thereof is demanded at the time of trial.

53. Denied as stated and strict proof thereof is demanded at the time of trial.

54. Denied and strict proof thereof is demanded.

55. Denied as stated and strict proof thereof is demanded at the time of trial.

56. After reasonable investigation, Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Therefore, same is denied and strict proof thereof is demanded at the time of trial.

57. After reasonable investigation, Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Therefore, same is denied and strict proof thereof is demanded at the time of trial.

58. After reasonable investigation, Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Therefore, same is denied and strict proof thereof is demanded at the time of trial.

59. Admitted.

60. Admitted.

61. Denied as stated and strict proof thereof is demanded at the time of trial.

62. After reasonable investigation, Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Therefore, same is denied and strict proof thereof is demanded at the time of trial.

63. Denied. Paragraph 63 of Plaintiffs' Complaint constitutes conclusions of law to which no response is necessary under the Federal Rules of Civil Procedure. If an answer is deemed necessary same is denied and strict proof thereof is demanded at the time of trial.

64. Admitted.

65. Denied as stated and strict proof thereof is demanded at the time of trial.

66. After reasonable investigation, Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Therefore, same is denied and strict proof thereof is demanded at the time of trial.

67. After reasonable investigation, Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Therefore, same is denied and strict proof thereof is demanded at the time of trial.

68. Denied. Paragraph 68 of Plaintiffs' Complaint constitutes conclusions of law to which no response is necessary under the Federal Rules of Civil Procedure. If an answer is deemed necessary same is denied and strict proof thereof is demanded at the time of trial.

69. Denied. Paragraph 69 of Plaintiffs' Complaint constitutes conclusion of law to which no response is necessary under the Federal Rules of Civil Procedure. If an answer is deemed necessary same is denied and strict proof thereof is demanded at the time of trial.

70. Denied. Paragraph 70 of Plaintiffs' Complaint constitutes conclusion of law to which no response is necessary under the Federal Rules of Civil Procedure. If an answer is deemed necessary same is denied and strict proof thereof is demanded at the

71. Denied. Paragraph 71 of Plaintiffs' Complaint constitutes conclusion of law to which no response is necessary under the Federal Rules of Civil Procedure. If an answer is deemed necessary same is denied and strict proof thereof is demanded at the

72. Denied. Paragraph 72 of Plaintiffs' Complaint constitutes conclusion of law to which no response is necessary under the Federal Rules of Civil Procedure. If an answer is deemed necessary same is denied and strict proof thereof is demanded at the

73. Denied. Paragraph 73 of Plaintiffs' Complaint constitutes conclusion of law to which no response is necessary under the Federal Rules of Civil Procedure. If an answer is deemed necessary same is denied and strict proof thereof is demanded at the

74. Denied. Paragraph 74 of Plaintiffs' Complaint constitutes conclusion of law to which no response is necessary under the Federal Rules of Civil Procedure. If an answer is deemed necessary same is denied and strict proof thereof is demanded at the

75. Denied. Paragraph 75 of Plaintiffs' Complaint constitutes conclusion of law to which no response is necessary under the Federal Rules of Civil Procedure. If an answer is deemed necessary same is denied and strict proof thereof is demanded at the

CLAIMS FOR RELIEF

Count I

**DELIBERATE INDIFFERENCE TO REPORT OF SEXUAL HARASSMENT
IN VIOLATION OF TITLE IX, 20 U.S.C. § 1681, ET SEQ.
(RESULTING IN A HOSTILE EDUCATIONAL ENVIRONMENT).**

76. Answering Defendant incorporates by references its answers to Paragraphs 1 through 75 of Plaintiffs' Complaint as if fully set forth herein at length.

77. Denied. Paragraph 77 of Plaintiffs' Complaint constitutes conclusion of law to which no response is necessary under the Federal Rules of Civil Procedure. If an answer is deemed necessary same is denied and strict proof thereof is demanded at the time of trial.

78. Denied. Paragraph 78 of Plaintiffs' Complaint constitutes conclusion of law to which no response is necessary under the Federal Rules of Civil Procedure. If an answer is deemed necessary same is denied and strict proof thereof is demanded at the time of trial.

79. Denied. Paragraph 79 of Plaintiffs' Complaint constitutes conclusion of law to which no response is necessary under the Federal Rules of Civil Procedure. If an answer is deemed necessary same is denied and strict proof thereof is demanded at the time of trial.

80. Denied. Paragraph 80 of Plaintiffs' Complaint constitutes conclusion of law to which no response is necessary under the Federal Rules of Civil Procedure. If an answer is deemed necessary same is denied and strict proof thereof is demanded at the time of trial.

81. Denied. Paragraph 81 of Plaintiffs' Complaint constitutes conclusion of law to which no response is necessary under the Federal Rules of Civil Procedure. If an answer is deemed necessary same is denied and strict proof thereof is demanded at the time of trial.

82. Denied. Paragraph 82 of Plaintiffs' Complaint constitutes conclusion of law to which no response is necessary under the Federal Rules of Civil Procedure. If an answer is deemed necessary same is denied and strict proof thereof is demanded at the time of trial.

83. Denied. Paragraph 83 of Plaintiffs' Complaint constitutes conclusion of law to which no response is necessary under the Federal Rules of Civil Procedure. If an answer is deemed necessary same is denied and strict proof thereof is demanded at the time of trial.

84. Denied. Paragraph 84 of Plaintiffs' Complaint constitutes conclusion of law to which no response is necessary under the Federal Rules of Civil Procedure. If an answer is deemed necessary same is denied and strict proof thereof is demanded at the time of trial.

85. Denied. Paragraph 85 of Plaintiffs' Complaint constitutes conclusion of law to which no response is necessary under the Federal Rules of Civil Procedure. If an answer is deemed necessary same is denied and strict proof thereof is demanded at the time of trial.

86. Denied. Paragraph 86 of Plaintiffs' Complaint constitutes conclusion of law to which no response is necessary under the Federal Rules of Civil Procedure. If an answer is deemed necessary same is denied and strict proof thereof is demanded at the time of trial.

COUNT II

DELIBERATE INDIFFERENCE TO PRIOR SEXUAL HARASSMENT, IN VIOLATION OF TITLE IX, 20 U.S.C. § 1681 ET SEQ. (RESULTING IN FURTHER SEXUAL HARASSMENT).

87. Answering Defendant incorporates by reference its answers to Paragraphs 1 through 86 of Plaintiffs' Complaint as if fully set forth herein at length.

88. Denied. Paragraph 88 of the Plaintiffs' Complaint constitutes conclusions of law to which no response is necessary under the Federal Rules of Civil Procedure. If an answer is deemed necessary, same is denied and strict proof thereof is demanded at the time of trial.

89. Denied. Paragraph 89 of the Plaintiffs' Complaint constitutes conclusions of law to which no response is necessary under the Federal Rules of Civil Procedure. If an answer is deemed necessary, same is denied and strict proof thereof is demanded at the time of trial.

90. Denied. Paragraph 90 of the Plaintiffs' Complaint constitutes conclusions of law to which no response is necessary under the Federal Rules of Civil Procedure. If an answer is deemed necessary, same is denied and strict proof thereof is demanded at the time of trial.

91. Denied. Paragraph 91 of the Plaintiffs' Complaint constitutes conclusions of law to which no response is necessary under the Federal Rules of Civil Procedure. If an answer is deemed necessary, same is denied and strict proof thereof is demanded at the time of trial.

92. Denied. Paragraph 92 of the Plaintiffs' Complaint constitutes conclusions of law to which no response is necessary under the Federal Rules of Civil Procedure. If an answer is deemed necessary, same is denied and strict proof thereof is demanded at the time of trial.

93. Denied. Paragraph 93 of the Plaintiffs' Complaint constitutes conclusions of law to which no response is necessary under the Federal Rules of Civil Procedure. If an answer is deemed necessary, same is denied and strict proof thereof is demanded at the time of trial.

94. Denied. Paragraph 94 of the Plaintiffs' Complaint constitutes conclusions of law to which no response is necessary under the Federal Rules of Civil Procedure. If an answer is deemed necessary, same is denied and strict proof thereof is demanded at the time of trial.

95. Denied. Paragraph 95 of the Plaintiffs' Complaint constitutes conclusions of law to which no response is necessary under the Federal Rules of Civil Procedure. If an answer is deemed necessary, same is denied and strict proof thereof is demanded at the time of trial.

96. Denied. Paragraph 96 of the Plaintiffs' Complaint constitutes conclusions of law to which no response is necessary under the Federal Rules of Civil Procedure. If an answer is deemed necessary, same is denied and strict proof thereof is demanded at the time of trial.

COUNT III

**FAILURE TO TRAIN, IN VIOLATION OF PLAINTIFFS'
CONSTITUTIONAL AND FEDERAL RIGHTS, PURSUANT TO 42 U.S.C. § 1983**

97. Answering Defendant incorporates by reference its answers to Paragraphs 1 through 96 of Plaintiffs' Complaint as if fully set forth herein at length.

98. Admitted.

99. Denied. Paragraph 99 of Plaintiffs' constitutes conclusions of law to which no response is necessary under the Federal Rules of Civil Procedure. If an answer is deemed necessary, same is denied and strict proof thereof is demanded at the time of trial.

100. Admitted.

101. Admitted.

102. Admitted.

103. Admitted.

104. Denied. Paragraph 104 of Plaintiffs' constitutes conclusions of law to which no response is necessary under the Federal Rules of Civil Procedure. If an answer is deemed necessary, same is denied and strict proof thereof is demanded at the time of trial.

105. Denied. Paragraph 105 of Plaintiffs' constitutes conclusions of law to which no response is necessary under the Federal Rules of Civil Procedure. If an answer is deemed necessary, same is denied and strict proof thereof is demanded at the time of trial.

106. Denied. Paragraph 106 of Plaintiffs' constitutes conclusions of law to which no response is necessary under the Federal Rules of Civil Procedure. If an answer is deemed necessary, same is denied and strict proof thereof is demanded at the time of trial.

107. Denied. Paragraph 107 of Plaintiffs' constitutes conclusions of law to which no response is necessary under the Federal Rules of Civil Procedure. If an answer is deemed necessary, same is denied and strict proof thereof is demanded at the time of trial.

108. Denied. Paragraph 108 of Plaintiffs' constitutes conclusions of law to which no response is necessary under the Federal Rules of Civil Procedure. If an answer is deemed necessary, same is denied and strict proof thereof is demanded at the time of trial.

109. Denied. Paragraph 109 of Plaintiffs' constitutes conclusions of law to which no response is necessary under the Federal Rules of Civil Procedure. If an answer is deemed necessary, same is denied and strict proof thereof is demanded at the time of trial.

110. Denied. Paragraph 110 of Plaintiffs' constitutes conclusions of law to which no response is necessary under the Federal Rules of Civil Procedure. If an answer is deemed necessary, same is denied and strict proof thereof is demanded at the time of trial.

111. Denied. Paragraph 111 of Plaintiffs' constitutes conclusions of law to which no response is necessary under the Federal Rules of Civil Procedure. If an answer is deemed necessary, same is denied and strict proof thereof is demanded at the time of trial.

112. Denied. Paragraph 112 of Plaintiffs' constitutes conclusions of law to which no response is necessary under the Federal Rules of Civil Procedure. If an answer is deemed necessary, same is denied and strict proof thereof is demanded at the time of trial.

113. Denied. Paragraph 113 of Plaintiffs' constitutes conclusions of law to which no response is necessary under the Federal Rules of Civil Procedure. If an answer is deemed necessary, same is denied and strict proof thereof is demanded at the time of trial.

114. Denied. Paragraph 114 of Plaintiffs' constitutes conclusions of law to which no response is necessary under the Federal Rules of Civil Procedure. If an answer is deemed necessary, same is denied and strict proof thereof is demanded at the time of trial.

PRAYER FOR RELIEF

WHEREFORE, Defendant North Penn School District denies that Plaintiffs are entitled to judgment against it in any amount or to any legal or equitable relief or remedy whatsoever and ask that Plaintiffs' Complaint be dismissed.

GENERAL DENIAL

115. Answering Defendant hereby denies each and every allegation of Plaintiffs' Complaint not specifically admitted or otherwise responded to in this answer.

FIRST AFFIRMATIVE DEFENSE

Plaintiffs' Complaint fails to state a claim upon which relief can be granted against Answering Defendant.

SECOND AFFIRMATIVE DEFENSE

Plaintiffs' claims may be barred by the applicable Statute of Limitations or Repose.

THIRD AFFIRMATIVE DEFENSE

Plaintiffs' alleged injuries and damages were not proximately or legally caused by any act or omission on the part of the Answering Defendant nor were they caused by an entity or instrumentality for which Answering Defendant is responsible. Plaintiffs' injuries and damages, which are specifically denied, were proximately and legally caused by the acts or omissions of other parties for whom Answering Defendant is not liable or responsible.

FOURTH AFFIRMATIVE DEFENSE

The damages as alleged in the Complaint may be barred by the failure of Plaintiffs to mitigate same.

FIFTH AFFIRMATIVE DEFENSE

Plaintiffs' claims may be barred by superseding and/or intervening causes for which Answering Defendant is not responsible or liable.

SIXTH AFFIRMATIVE DEFENSE

Some or all of Plaintiffs' alleged injuries may be attributed in whole or in part to a preexisting and/or subsequent physical or mental condition or injury for which Answering Defendant is not responsible.

SEVENTH AFFIRMATIVE DEFENSE

Answering Defendant denies that it has violated Title IX or engaged in unlawful discrimination or retaliation with regard to Plaintiff Julia Doe.

EIGHTH AFFIRMATIVE DEFENSE

Answering Defendant denies that it acted with "deliberate indifference" at any time material herein in handling Plaintiffs' allegations of sexual harassment.

NINTH AFFIRMATIVE DEFENSE

At all times material herein Answering Defendant had in effect an appropriate policy for reporting and addressing sexual harassment and other types of sex discrimination.

Respectfully Submitted,

HENDRZAK & LLOYD



MAUREEN A. JORDAN, ESQUIRE

Attorney ID # 54629

Attorney for Defendant,

NORTH PENN SCHOOL DISTRICT

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Dated: 1.22.21